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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/517,442
Filing Date: December 23, 2004
Appellant(s): KALLIO, JUHA

Errol A. Krass
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 05/26/09 appealing from the Office action mailed 01/14/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

7,068,182	Brescia et al.	06-2006
7,249,100	Murto et al.	07-2007

(9) Grounds of Rejection

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 28-52, 54-58**, are rejected under 35 U.S.C. 102(e) as being anticipated by Brescia et al. (US patent 7,068,189 B2).

Regarding claims 28, 41, 53-56, Brescia inherently teaches a communication for providing event specific profile to mobile terminal (See figure 1, 24) comprising:

determining profile reception capabilities of a mobile terminal , **wherein the determining profile reception capabilities comprises determining the capability of the mobile terminal to install a particular profile** (col 3 lines 5-59);

an application server associated with the event (col 3 lines 44-59, col 6 lines 49-67);

a mobile communication network for receiving even specific characterizes from the application server (col 3 lines 19-59); and

at least one mobile terminal for connection in the network (0048, figure 1); wherein the mobile network notifies the application server if the mobile terminal is associated with the server transmits the event specific profile to the mobile terminal (col 3 lines 5-67).

Regarding claims 29, 42, Brescia teaches a method wherein the profile includes a collection of user setting or preferences (col 4 lines 14-67).

Regarding claims 30, 43, Brescia teaches a method wherein the profile includes user manageable settings (col 4 lines 14-67).

Regarding claims 31, 44, Brescia teaches a method wherein the profile includes a custom or event specific profile package (col 3 lines 44-66).

Regarding claims 32, 45, 57, Brescia teaches a method wherein the step of installing the profile in the mobile station (col 1 lines 38-54).

Regarding claims 33, 46, 48, Brescia teaches a method wherein the event is a location dependent event, the step of detecting an association of a mobile terminal with the event comprising detecting a location of the mobile (col 1 lines 54-66),

Regarding claims 34, 47, Brescia teaches a method wherein the event is a time dependent, the step of detecting an association of a mobile terminal with the detecting the location of mobile within a predetermined time period (col 4 lines 2-35).

Regarding claim 35, Brescia teaches a method wherein the predetermined period correspond to duration of the event (col 4 lines 2-35).

Regarding claim 36, Brescia teaches a method comprising removing the profile from the mobile responsive to the termination of the event (col 1 lines 39-67, col 2 lines 1-19).

Regarding claim 38, Brescia teaches a method wherein removing step comprising transmitting a termination signal to the mobile terminal responsive to which the profile is deleted (col 1 lines 39-59).

Regarding claim 39, Brescia teaches a method wherein the profile includes a link to event specific information (col 1 lines 39-59).

Regarding claim 40, Brescia teaches a method wherein the profile includes a link to an instant community (col 1 lines 39-59).

Regarding claim 49, Brescia teaches an application server wherein the second communication interface receives details of a mobile located in the location (col 1 lines 39-59).

Regarding claim 50, Brescia inherently teaches an application server wherein the details include the identity of the mobile (col 7 lines 34-62).

Regarding claim 51, Brescia teaches an application server wherein the first and the second communication interfaces are a fixed line communication interface (see figure 1, (col 1 lines 39-59, col 3 lines 5-33).

Regarding claim 52, Brescia teaches an application server wherein the third communication interface is a mobile communication interface (figure 1, col 3 lines 5-33).

Regarding claim 58, an apparatus comprising:
determining means for determining profile reception capabilities of a mobile terminal;
first communication interface for providing a mobile network with event specific information (col 3 lines 5-59);
second communication interface means for receiving details of the mobile terminal associated with the event specific information (col 3 lines 5-59); and

third communication interface means for transmitting the event specific profile to the mobile terminal associated with an event specific information (col 3 lines 5-67, col 6 lines 49-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 53**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Brescia et al. (US patent 7,068,189 B2) in view of Murto et al. (US Patent 7,249,100 B2).

Regarding claim 53, Brescia fails to teach an application server wherein the third communication interface is a GPRS or Bluetooth interface. However, Murto teaches an application server wherein the third communication interface is a GPRS or Bluetooth interface (col 6 lines 27-58, col 6 lines 19-35). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Murto with Brescia, in order to allow the user to select an item from the returned business list message and drill-down in the selected business entity data using base station triangulation connection through a Bluetooth net.

(10) Response to Argument

Response to Arguments

3. Applicant's arguments filed 05/26/09 have been fully considered but they are not persuasive.

In response to the applicant's argument that Brescia fails to teach "*transmitting the profile to the mobile, the information is send to the selected device not the server*".

The Examiner asserts that Brescia provides delivering information, such as a notification or other content, to a select communication device when defined event and location criteria are satisfied. A profile is established to define the event and location criteria along with a method for delivering the information. Typically, the receipt of event indicia indicating the occurrence of an event is compared with the event criteria in the profile. When the event indicia satisfies the event criteria, location indicia is gathered and compared with the defined location criteria. An event occurrence may be time based, location based, user initiated, or initiated by an external medium, such as a mobile terminal, communication control devices within the communication network, or an event service. A content service may be used to provide content when select event and location indicia correlate with event and location criteria defined by a profile. The content may include any type of information desired by a user and defined in the profile. Further providing notifications defined in a profile

or provided with an event trigger, and therefore, would not need the services of a remote content service. Based on select criteria, the system is capable of delivering information, such as notifications and content, to any number of devices, which are typically serviced by a circuit-switched network. These devices may include, but are not limited to, traditional land line telephones, computers, mobile terminals, such as personal digital assistants (PDAs), mobile telephones, pagers, and the like. In addition to devices serviced by circuit-switched networks, wireless packet-switched devices, such as properly configured mobile telephones, may communicate with a traditional packet-switched network via wireless packet-switched networks. In the latter case, information is communicated between the wireless packet-switched device and devices on the packet-switched network without conversion to a circuit-switched format, such as the traditional time-division multiplexing (TDM).

Brescia does teach transmitting information that is defined within the profile. If an applicant defines a profile to transmit certain information given an event (e.g., severe weather alert based on location or, as discussed in column 9,

"..a traveler may create a profile identifying a type of content to provide to a user. For example, a profile may be configured to monitor when the mobile terminal enters a defined area and provide restaurant and hotel information for the particular area. The area may be defined geographically or may be based on available businesses, such as hotels and restaurants, or landmarks, such as monuments. In these cases, the event corresponds to entry into a particular location or within certain proximity of a defined area or point of interest, and the location information will closely couple with the event location. Thus, this example provides a unique combination wherein the location information and the event trigger are tightly coupled. Typically, the event is entry into a

particular area or proximity to a certain location, and the location indicia defines a select location. Thus, the application process may receive a trigger that the mobile terminal has entered a certain area and compare the entered area with the location indicia defined in the user profile."

From column 4:

"A content server 34 and an event server 36 may be used to provide content when select event and location indicia correlate with event and location criteria defined by a profile...As noted, a customized profile may be configured via the application server 30 and stored in a profile database 38 that is integrated with or separate from the application server 30...Each profile will typically define information to provide to a select device when predefined event and location indicia are satisfied...A simple profile may provide predefined information when a select even occurs...A more sophisticated profile may identify location and access content to deliver to a predefined user.."

Therefore, when reviewing the sections listed above, if we are transmitting information defined by the profile, we are inherently transmitting the profile. In other words, even with applicant's system, if an applicant wants a particular "look and feel", we don't transfer a listing of the profile about the "look and feel", we actually transmit the information in the profile or the "look and feel", e.g., specific color/background/image. Thus, given that we transmit the information representing the user established profile in Brescia, we are also transferring "the profile".

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:

/Naghmeh Mehrpour/

Application/Control Number:
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Art Unit: 2617

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